

Pg 1 of 4-1 #1
Exhibit #1

CONFORMED COPY OF ORIGINAL

John Lewis Mealer, Pro Per (Pro Se)
6333 Gardenia Lane
Show Low, Arizona 85901
jlmealer@mealercompanies.com
jlmealer@yahoo.com

AUG 10 2010

NAVAJO COUNTY SUPERIOR COURT
VALERIE WYANT, CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF NAVAJO

JOHN LEWIS MEALER

PLAINTIFF

VS

CASE NUMBER CV201000316CIVIL COMPLAINT FOR TORT, CRIMES

GMAC MORTGAGE LLC and CEO DAVID
APPLEGATE, GMAC FINANCIAL
SERVICES, GMAC LLC and CEO
MICHAEL CARPENTER, GENERAL
MOTORS CORPORATION, GENERAL
MOTORS COMPANY and CEO EDWARD
WHITACRE JR. MOTORS LIQUIDATION
COMPANY, RESIDENTIAL CAPITAL LLC
and CEO THOMAS MARANO, UNITED
STATES TREASURY DEPARTMENT, GM
ENGINEER KRIS J KORDELLA, JANE
DOE, JOHN DOE, et al.

JURY TRIAL DEMANDEDFIRST AMENDED COMPLAINTAFFIDAVITS I, II, III

DEFENDANTS

VERIFIED COMPLAINT

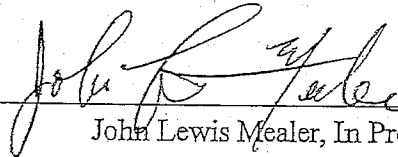
1. Plaintiff, John Lewis Mealer Pro Se, states, pleads with specificity per legal requirements and case law noted on Pages 98, 99 herein, commences and prosecutes as follows:

JURISDICTION AND VENUE

2. This detailed case, filed, June 8th, 2010 involves intentional and ongoing tort violations including injuries for malicious libel by the defendants against this plaintiff, which have created a claim in excess of \$50,000 and also affects title to real property within Navajo County, Arizona

AFFIDAVIT OF JOHN LEWIS MEALER

143. I, John Lewis Mealer, do hereby swear that the testimony and content of this complaint are true and factual to the best of my knowledge and that I am personally responsible to the full extent of the law as a Pro Se litigant for the content herein. I do not lie and I will not deceive this court nor any other court nor human being regarding this case nor for any reasonable context regarding this case or the references and quotes and evidence used within these documents or other documents regarding this matter. So help me God. Dated 10 August 2010



John Lewis Mealer, In Propria Persona, Pro Se

POINTS AND AUTHORITIES

VERIFIED COMPLAINT specificity:

CASE LAW RELATING TO (¶ #1)

A well-pleaded complaint must contain more than mere labels and conclusions. See *Ashcroft v. Iqbal*, 129 S.Ct. 1937 (2009); *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). When determining whether dismissal is appropriate, the court conducts a two-part analysis. *Fowler V. UPMC Shadyside*, 578 F.3d 203, 210 (3d Cir. 2009). First, the factual and legal elements of a claim are separated. *Id.* The court must accept all of the complaint's well-pleaded facts as true, but may disregard any legal conclusions. *Id.* at 210-11. Second, the court must determine whether the facts alleged in the complaint are sufficient to show that plaintiff has a "plausible claim for relief." *Id.* At 211; see also *Iqbal*, 129 S.Ct. at 1949; *Twombly*, 550 U.S. at 570.

In other words, the complaint must do more than allege plaintiff's entitlement to relief; rather it must "show" such an entitlement with its facts. *Id.* A claim is facially plausible when its factual content allows the court to draw a reasonable inference that the defendant is liable for the misconduct alleged. *Iqbal*, 129 S.Ct. at 1949 (citing *Twombly*, 550 U.S. At 570). The plausibility standard "asks for more than a sheer possibility that a defendant has acted unlawfully." *Id.* "Where a complaint pleads facts that are 'merely consistent with' a defendant's liability, it 'stops short of the line between possibility and plausibility of 'entitlement to relief.'" *Id.*

1 Arizona does not consider good faith belief or intention is not a defense to a
2 conversion action under Arizona Law. (50See Focal Point, 155 Ariz. At 320, 746 P.2d
3 at 490; see also Patton v First Federal Sav & Loan Ass'n of Phoenix, 118 Ariz. 473, 479,
4 578 P.2d 152, 158, (Ariz. 1976); Jabczenski v S. Pacific Memorial Hosp., 119 Ariz. 15,
5 20, 579 P.2d 53, 58 (Ariz. Ct. App. 1978).

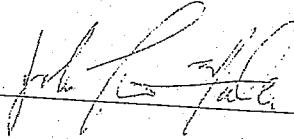
6 To bring an action for conversion, the plaintiff must have "a right to immediate
7 possession of the chattel at the time of the alleged conversion," Miller, 209 Ariz. At
8 472. A conversion claim may only be brought to recover tangible personal property
9 or "intangible property that is merged in, or identified with, some document."
10 Miller, 209 Ariz. At 472, ¶ 35, 104 P.3d at 203, quoting 18 Am.Jur. 2D, Conversion § 7
11 (2004)

12 When a mortgage is procured by fraud, the instruments can be canceled and
13 foreclosure denied. Meyerson v. Boyce, 97 So.2d 488 (Fla. 3d DCA 1957). Fraud only
14 invalidates contracts of debtor. In the absence of fraud, every contract of a debtor is
15 valid against all his creditors, existing or subsequent, who have not acquired a lien on the
16 property affected by such contract. R.L. 1910, § 2894. Unless displaced by the
17 provisions of the Uniform Fraudulent Transfer Act, the principles of law and
18 equity, including the law merchant and the law relating to principal and agent,
19 estoppel, laches, fraud, misrepresentation, duress, coercion, mistake, insolvency, or
20 other validating or invalidating cause, supplement the provisions of the Uniform
21 Fraudulent Transfer Act. Added by Laws 1986, c. 100, § 11, eff. Nov. 1, 1986.

22 In addition to Arizona's strong constitutional protections of the right to bring
23 common-law tort claims and to receive full compensation for any damages, see
24 Cronin v. Sheldon, 195 Ariz. 531, 538-41 ¶¶33-51, 991 P.2d 231, 238-41 (1999)

25 I, John Lewis Mealer, hereby assign my signature and affirmation that these additional
pages of pertinent case law and code were added by myself to the best of my Pro Se ability and
do represent my views on the legal issues detailed herein this complaint.

Dated Aug 10th 2010



John Lewis Mealer, Pro Per (Pro Se)
6333 Gardenia Lane
Show Low, Arizona 85901
jlmealer@mealercompanies.com
jlmealer@yahoo.com

CONFORMED COPY OF ORIGINAL

AUG 10 2010

NAVAJO COUNTY SUPERIOR COURT
VALERIE WYANT, CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF NAVAJO

JOHN LEWIS MEALER

PLAINTIFF

vs

CASE NUMBER CV201000316

REQUEST FOR JURY TRIAL

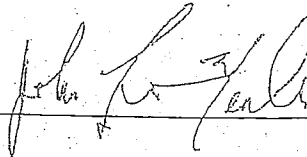
GMAC MORTGAGE LLC and CEO DAVID
APPLEGATE, GMAC FINANCIAL
SERVICES, GMAC LLC and CEO
MICHAEL CARPENTER, GENERAL
MOTORS CORPORATION, GENERAL
MOTORS COMPANY and CEO EDWARD
WHITACRE JR. MOTORS LIQUIDATION
COMPANY, RESIDENTIAL CAPITAL LLC
and CEO THOMAS MARANO, UNITED
STATES TREASURY DEPARTMENT, GM
ENGINEER KRIS J KORDELLA, JANE
DOE, JOHN DOE, et al.

DEFENDANTS

REQUEST FOR JURY TRIAL

Plaintiff hereby demands a trial of this action by jury.

DATED: ^{Aug} ~~July~~ 10th, 2010



John Lewis Mealer